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6. — *Histoire des Institutions politiques de l'ancienne France.* Par FUSTEL DE COULANGES, Maître de Conférences à l'École normale supérieure. — Première partie : *L'Empire romain. Les Germains. La Royauté mérovingienne.* Paris : Hachette. 1875.

It is pleasant to offer again to the readers of the North American Review a work of M. Fustel de Coulanges. They are already well acquainted with the *Cité Antique*, and have had more than one occasion to appreciate the remarkable talent with which its author has explained the political institutions of antiquity. The learned professor now offers to his readers a history of the political institutions of ancient France, in two volumes ; the second, which is to contain the feudal régime, will appear shortly. The first part of this important work, embraced in the first volume, offers the history of the Roman conquest of Gaul, the organization of that conquest, its effects on the institutions and political life of Gaul, then a picture of the state of society which resulted from the fusion of the two nationalities, Gallic and Roman, on the same soil. Passing afterwards to the Germans, the author broadly sketches their political and social condition in the time of Tacitus, studies the causes and effects of the invasions in the fifth century ; and after showing how it became possible for a Frankish kingdom to establish itself in Gaul, he proceeds to explain its political and administrative mechanism, and closes with a picture of the condition of persons and property under the Merovingians.

Our notions on the government and society of the early Gallic population are, as most school-boys know, sufficiently hazy, and are likely to remain so, on account of the very small number of original authorities on the subject, and particularly on account of the quality of the few that exist. For while loyally rendering unto Cæsar the things that are Cæsar's, one may yet be allowed to believe that the history of those distant times would appear differently if the testimony of the historian-general could be checked off by comparison with testimony of Gallic origin. This, however, is not the place for subjecting Cæsar to cross-examination (which has moreover been done elsewhere), but only for very briefly inquiring whether M. de Coulanges has made the most of his available sources of information. He has drawn very well the distinctions between the different forms of government existing in the eighty states of Gaul. Whilst among some of these is found a legitimate, elected king, magistrate for life, at once limited and completed by a senate, among others roy-

alty appears as an extraordinary resource, and most often as the result of a violent usurpation; while among others again power changes hands, every year brings a new "vergobret," with powers more extensive than those of the king, to whom in time of war is added a military chief. Society is aristocratic in the strictest sense of the word. Power is in the hands of the nobles and druids. There is a large rural and a very small city population; there are many men attached to the soil and few proprietors, very little free labor. There is every reason to suppose that the supreme magistrate was not the creation of popular suffrage, although there is no positive proof of this. In a word, as the author well says, it is certain that "la liberté politique plus que la liberté civile, et l'aristocratie plus que l'égalité, forment le fond de ce régime." From the very exaggeration of the aristocratic régime, of the exclusive sentiment of the two privileged classes, the druids and the nobles, there rose an institution, the clientel, which, while at first intended only to meet the most pressing necessities of the inferior classes, afterwards enabled them to play a political part of the first importance. On the organization and operation of these clientels M. de Coulanges gives no new information. The important point remains still undetermined, whether this was the centre about which gathered and grew that *plebs* spoken of by the few Greek and Latin authors of this period, which, according to Cæsar, maintained, by its incessant agitation, trouble in the heart of almost all the Gallic states (*civitates*). In regard to the aspirations and the acts of the democratic party in Gaul we are far from having even the unsatisfactory information that we have of the early ages of Roman society. One whole side of Gallic life, its civil institutions, still stands in the dark. M. de Coulanges has well shown the absence of any clear idea of a common country among the Gauls. The different shades in the governments, the haughty severity of the privileged classes which did not prevent their free acceptance of an alien rule, the division into a great number of states incessantly agitated by the plebs, — these causes are sufficient to explain the rapid conquest of Cæsar. The principal personages of a conquered Gallic people averred that they fought in spite of themselves, and threw the responsibility on the multitude, — a fact which is thrown into strong relief by the author. In pages stamped with the calm philosophy of the historian, and written in that sober and elegant style to which the *Cité Antique* has accustomed us, M. de Coulanges shows how little solidity was at the bottom of those Gallic leagues which were organized for revolt against the foreigner, and how helpless the most brilliant personal qualities were in the absence of strong and

respected public institutions. "Il manquait à Vercingetorix ce qui est la condition de succès dans les grandes guerres ; il lui manquait de commander à une nation sans partis. Les divisions qui existent dans une société se reproduisent toujours de quelque façon dans les armées. Elles se traduisent dans l'âme de chaque soldat par l'indécision, l'indiscipline, le doute, la défiance, tout ce qui paralyse le courage ou le rend inutile." (p. 36.) "Dans les grandes guerres et en présence des invasions, le courage personnel ne sert presque de rien. C'est la force des institutions publiques et la discipline sociale qui défendent les nations. Là où le lien politique est trop faible, l'invasion a pour premier effet de désorganiser le corps de l'état, de troubler les esprits, d'égarer les caractères, et dans le désordre qu'elle répand elle est infailliblement victorieuse." (p. 45.) Gaul once conquered did not seek to free herself. At the touch of Rome she transformed herself socially, intellectually, and materially. These are known facts : what is less known is how such a transformation could be accomplished with a rapidity which has in it something of the marvellous. M. de Coulanges, it must be allowed, is not difficult on the choice of reasons. Certainly Druidism was one of the most vigorous institutions of Gallic society, and yet he does not even attempt to explain why it was that Druidism offered so little resistance to the conquest. The conversion of the Gauls, we are told, was the result neither of the requirements of the conqueror nor of the servility of the conquered. The Gauls had enough intelligence to understand that civilization was worth more than barbarism. It was not so much Rome as civilization itself which won them over, etc. These seem to be sentimental reasons which ought to be replaced by ideas founded on more exact investigation, even though the actual truth be not reached at first. M. de Coulanges reaches firmer ground when, in his second book, he describes the Roman monarchy and the formidable machinery of its administration. This government is the object of the author's peculiar admiration. Yet his description seems hardly to teach anything new to those who have any idea of Roman public law. The delicacy of the author's genius appears not so much here as in the chapter where he makes a study of the intellectual conception which these barbarous populations formed of the imperial régime, a curious analysis of the psychological condition of those generations, in which he shows his most brilliant qualities. The people, he says, came to adore authority. There is, however, nothing in common between this conception and the doctrine of divine right of kings which belonged to another epoch. The authority of the prince is divine. Hence comes the condition of state religion. Thankful even to hallucination, it would

seem, for the peace it enjoyed, the human heart, by a movement which was then natural and instinctive, deified the power which granted it. "De même que dans les vieux âges de l'humanité on avait adoré le nuage qui, se répandant en eau, faisait germer la moisson, et le soleil qui la faisait mûrir, de même on adora l'autorité suprême qui apparaissait aux peuples comme la garantie de toute paix et la source de tout bonheur," etc. The arguments that the author presents to prove afterwards that the Roman government did not seek to draw to itself the possession of the soil in the province, are not convincing, and seem to be contradicted by the history of private property down to the period of the barbarian invasions. The following chapters contain a concise account of the condition of persons in the Roman Empire; but as this account appears to contain no new ideas, we will pass at once to the third book, where a new factor in the old French society is presented, — the Germans.

The problem which M. de Coulanges proposes to himself, "de savoir si l'invasion a apporté de grands changements dans les institutions ou dans les idées politiques, dans l'état social ou dans les mœurs de la Gaule," can hardly yet be solved, for the reason that it cannot yet be scientifically stated. Historians are far from being yet in possession of materials enough to allow of their reconstructing the edifice of German institutions, public and private; but of this the author seems to be unaware. It is difficult for any work to have in our day a real value, unless it takes into account the works which have preceded it; for even the author who has the remarkable gifts of M. de Coulanges, if he does not seek truth according to the rules, undertakes too vast a task, exposes himself every moment to question results already firmly established, and on the other hand passes silently over serious difficulties without even suspecting their existence. For fifty years past it is notorious that Germany has set itself earnestly to the task of solving the problem of its origin; in the single branch embracing the political and civil institutions of the different peoples of ancient Germany, one might collect a numerous library of works of all sorts, from the *Verfassungs-geschichte* of Waitz, down to the shortest essays and contributions (*Abhandlungen, Beiträge, etc.*). Desirous, no doubt, to preserve his originality unimpaired, M. de Coulanges would seem to have taken no notice of all these works, even the most remarkable. If he merely wished to maintain a thesis with brilliancy, he has succeeded; his book in this second portion would seem to have the sole merit of presenting once more in an irreproachable style the system of the Abbé Dubos, a system interesting indeed if considered in relation to the time when it was constructed, but which, like all

systems, should give place to minuter studies when these are patient, sincere, and free so far as possible from every preconceived opinion. Moreover, this second part is only the reprint of an essay of M. de Coulanges in the *Révue des deux Mondes* of May 15, 1872, *L'Invasion germanique au cinquième siècle*, and, apart from German literature, the book of M. Geffroy, *Rome et les Barbares*, which appeared in 1874, might, in its remarkable sixth chapter, have given M. de Coulanges occasion for serious reflections.

Nevertheless, M. de Coulanges has adapted to the old theme of the Abbé Dubos a variation which is ingenious enough. "Les Germains," says he (p. 317), "qui vont se montrer dans l'histoire au cinquième siècle et qui envahirent l'empire romain, *ne sont pas un peuple jeune* qui vient hardiment se faire sa place entre les peuples. *Ce sont les restes d'une race affaiblie* qui a été assaillie et vaincue encore pendant trois siècles par les Romains, qui a été ensuite assaillie et vaincue par les Slaves et par les Huns, qui a été surtout déchirée par les longues luttes intérieures, qui a été enervées par une série de révolutions sociales *et qui a perdu ses institutions.*" Not to stretch this notice beyond its limits, let us content ourselves with examining how he deals with German political institutions at the time of Tacitus. There existed, it appears, no sort of unity among the Germans. They ignored not only centralization, but even federalism. They were two-score nations absolutely independent and unconnected, etc. (p. 284.) There were in Germany two powers rivalling royalty, the priests and the inferior chiefs, chiefs of cantons and chiefs of warrior bands. (p. 295.) About the kings there was a sort of aristocratic senate, very like that which history shows about the ancient kings of Greece and Rome. (p. 296.) The author does indeed recognize public assemblies "dans chaque tribu," but one is at a loss to understand what they were for. A merely superficial reading is enough to show that the author's ideas are quite confused in regard to several passages in the *Germania* of Tacitus, on which a flood of light has been thrown by works of our own day. It is certain that the Germanic constitution distinguished clearly between the three sorts of interests which all known peoples aim to satisfy, — the religious, the political, and the judicial. It presented three sorts of assemblies, the special character of which was well distinguished by Tacitus. Within the great Germanic family, the first of these three assemblies united by a natural and religious tie the peoples who preserved the memory of a closer relationship, who grew from the same stem (Tac. Germ. 39: *ejusdem sanguinis*), as is proved by their community of language and of sanctuaries. (Ann. 51. Germ. 40, 43, 39.) Delegates from these groups provided

for religious needs. The second assembly, within each people, united in one association all free men having the same political interests which it regulates to the exclusion of every other assembly ; this is the *concilium* and the *civitas* of Tacitus. The third assembly, within each canton, was the judicial tribunal, presided over by the *princeps*, a magistrate elected by the political assembly. (Germ. 12.) It is not correct to say that the priests had a share in the judicial authority. The Cap. 7 and 12 of the *Germania* attribute to them a temporary power of simple police, due to certain circumstances, and which disappeared with these. M. de Coulanges has not appreciated the king's position at the time of Tacitus, and in consequence has failed to understand the change in this position, caused by the rise of the Frank empire. It is true that the political institutions of Germany were profoundly modified, but not in consequence of "révolutions sociales," no trace of which is to be seen in history, and of which the author offers no evidence. It is true that of the two first assemblies above mentioned, one, the religious assembly, disappeared at once ; the second resisted some time, as may be seen in the constitution of the *Lex Salica*, belonging to an age of transition. The third survived for centuries, because the circumstances which caused the two first to disappear had no effect upon the *mallum*. M. de Coulanges seems to be unaware that within the last few years it has become possible to deal much more closely with all these subjects than ever before. He would have done well to read with care those two works of Professor Sohm, with which the readers of this Review must now be familiar. Even supposing he had refused to admit some of that gentleman's conclusions, he would at least have learned the true situation of the question, and would probably have shown himself more circumspect and more prudent in the art of solving it.

We persist in believing, with the great majority of authors, that the Germans took possession of a part of the lands of the Roman Empire. Either texts have no meaning and it is useless to take account of them, or the title *De divisione terrarum inter Gothum et Romanum* (*Lex Visigoth.*) recognizes the ownership by the Goths of two parts of the lands, the last third only being reserved to the Romans. So too among the Burgundians. (*Lex Burg.* 54, cf. 51, § 1 ; 84, § 2.) As for the Franks it is astonishing that the author has not seen a veritable conquest in their occupation of the North of Gaul in the first years of the sixth century. The depopulation of that part of Gaul was complete, and the soil became property of the fisc. After all the Franks did nothing more than the Roman republic had done before. Doubtless the establishment of a Germanic population

in Gaul does not weaken the fact that Gaul had for a long time previous enjoyed the possession of a learned and legally well-defined conception of property ; but what the author has failed to see is that the establishment of a Germanic kingdom covered that property with a protection which was very precisely granted to it by the letter of the Roman law, but which was secured by no real power whatever at the time of the invasions. It was literally "self-interest well understood" which led the Gallo-Roman land-owners to receive the German invader without repugnance.

In the vast field of history it is not easy to find a subject so interesting as that which M. de Coulanges has undertaken to treat, but it is hardly possible to find another more difficult. The importance of the subject and the author must excuse the length of this notice. With a work of this nature, the first object of criticism should be to measure its scientific value. As it stands, with its remarkable style, this new book of M. de Coulanges will doubtless be agreeable reading to educated people, and especially to that public, more numerous and important in France than elsewhere, which is known under the general description of *gens de goût*, but its life will be only a short one if measured by the memory of historians.

T.

7. — *Three Essays on Religion*. By JOHN STUART MILL. New York : Henry Holt & Co. 1874. 8vo. pp. xi and 302.

THE Essays on Religion, published after Mr. Mill's death by his step-daughter, were written at considerable intervals of time, and, Miss Taylor thinks, without any intention of forming a consecutive series. However that may be, — and there are some indications to the contrary, — the main drift and the attitude of mind seem substantially the same in all, and the only differences in result such as come very naturally from the greater or less weight which a candid mind from time to time, or from different points of view, may accord to what in any case are only conjectures. Most writers on Religion begin by assuming their fact, namely, a supersensuous reality, and even those who consider themselves the most "radical" commonly leave this fundamental presupposition untouched. Mr. Mill's undertaking is to leave out all presuppositions, and to look at the matter from the point of view of science, and not of reverence ; to disengage the phenomena of Belief from the imagery under which they are ordinarily disguised, and to see what are the proper conclusions to be drawn from them.